

APPENDIX F

ORGANIZATIONS WORKING TO SUPPORT AND COORDINATE THE STATEWIDE SYSTEM OF DELIVERING LEGAL AID TO LOW-INCOME CALIFORNIANS

Legal Aid Association of California (LAAC)

As a statewide membership organization of individuals and programs that provide legal aid to low-income Californians, the Legal Aid Association of California (LAAC) serves as a unified voice for the California legal aid community. LAAC provides a forum for providers and clients to discuss tough issues and develop, coordinate, and implement strategies for more effective delivery of legal aid. LAAC has created training opportunities for advocates throughout the state to help programs with management and substantive legal issues. For example, LAAC has been instrumental in promoting the development and expansion of evaluation capacity by individual legal aid providers, helping provide technical assistance and support for programs to expand their use of innovative evaluation methods. Additionally, LAAC has a key role in developing statewide resources, such as the *LawHelpCalifornia.org* referral and legal information Web site for clients. A parallel site for legal advocates is in the design stage.

State Bar of California Office of Legal Services, Access, and Fairness Programs

- **California Commission on Access to Justice.** California's blue-ribbon access to justice commission is dedicated to finding long-term solutions to the chronic lack of representation available for low- and moderate-income Californians. The commission includes representatives from bench and bar, academia, business, and labor, as well as religious leaders and legal aid providers. Appointments are made by the Judicial Council, the State Bar, the Governor, Attorney General, legislative leaders, the Chamber of Commerce, the Labor Federation, the Council of Churches, and other statewide organizations. The commission is involved in efforts to address language barriers for litigants with limited English proficiency; increase resources for legal aid providers, including the establishment and maintenance of the Equal Access Fund; expand the availability of limited scope legal assistance for those who cannot afford full legal representation; and promote other efforts to increase the availability of legal assistance for low- and moderate-income Californians.

- **Legal Services Trust Fund Commission.** The Legal Services Trust Fund Commission was created by the California Legislature in 1981 and has responsibility for administering and interpreting the bar's rules that regulate the Interest on Lawyer Trust Accounts (IOLTA) program as well as the Equal Access Fund (EAF). The trust fund determines eligibility for more than \$18 million in IOLTA and EAF grants and reviews and approves proposed budgets for use of those funds. The trust fund is a multifaceted and invaluable resource to legal aid providers in California. It provides statewide system guidance and individual grant recipient assistance to improve the functioning of legal aid providers and enhance their ability to make the most effective use of grant funds.

California was the second state to set up a system for allowing attorney-client trust accounts to earn interest that could be used to fund legal aid for low-income persons. Frequently, lawyers are expected to handle money that belongs to their clients—including settlement checks, fees advanced for services not yet performed, or money to pay various court fees. Sometimes the amount of money handled for a single client is quite large, or will be held in trust by the lawyer for a lengthy period of time. In such cases, lawyers have always deposited the money into a separate trust account, where it can earn interest for the client.

Very often, however, the amount of money a lawyer handles for a single client is quite small, or will be held for only a short period of time. Traditionally, lawyers placed these deposits into combined, or "pooled," trust accounts also containing the small or short-term sums the attorney is handling for other clients. Before the law creating the trust fund program was passed, trust funds pooled in this manner earned no interest. Beginning in 1981, a movement began (and eventually spread to every state in the country) that changed the law so that lawyers who handle small or short-term funds belonging to their clients must place these funds in a single, interest-bearing trust account, and banks must forward all the interest earned on these accounts to the State Bar for the Legal Services Trust Fund Program.

The law leaves it up to the attorney to decide in each case whether a client's funds should be accounted for separately to earn interest on the client's behalf, or the money meets the "small or short term" standard and should be deposited in a pooled account to earn money for the Legal Services Trust Fund Program. The question is one of practicality. Funds are considered small or short term if it is not practical to segregate them to earn income for the clients.

A challenge to the constitutionality of IOLTA as a funding source in California was unsuccessful in 1984 (*Carroll v. State Bar of California*, 166 Cal.App.3d 1193, 213 Cal.Rptr. 305). A later challenge to a similar program in the State of Washington was resolved by the United States Supreme Court in favor of the IOLTA system in 2003 (*Brown v. Legal Foundation of Washington*, 538 U.S. 216 [123 S.Ct. 1406].). IOLTA programs now exist in all 50 states and the District of Columbia. For more information, see the Web site of the American Bar Association's Commission on IOLTA at <http://www.abanet.org/legal/services/iolta>.

- **The Standing Committee on the Delivery of Legal Services (SCDLS).** The standing committee works with program development staff at the State Bar to increase the availability of free legal assistance: to low-income people through assistance and support for legal aid and pro bono programs and reduced-fee legal aid, and to moderate-income people through assistance and support for lawyer referral services and other programs designed to assist persons with moderate means. It provides information and recommendations to the State Bar Board of Governors on issues of concern to low- and moderate-income persons. The standing committee actively works to increase and enhance pro bono participation through education, publicity, how-to manuals, and an annual awards ceremony at the State Bar's annual meeting. Many of the recipients of Equal Access Fund grants benefit from the work of the standing committee and are directly involved in its activities.

Judicial Council of California—Administrative Office of the Courts

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of Chief Justice Ronald M. George, and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the council's staff agency. The Judicial Council has undertaken a comprehensive program to promote access to the courts. Since 1999, the Judicial Council has managed the Equal Access Fund, which is appropriated to the Judicial Council each year. The council oversees the administration of the fund; approves distribution of grants; appoints one-third of the members of the State Bar's Legal Services Trust Fund Commission, and contracts with the State Bar for direct distribution of the funds under council supervision. Other key Judicial Council efforts related to access for low-income persons follow:

- **Self-Help Web Site.** The Judicial Council has established the nation's most comprehensive court-sponsored online self-help center, containing over 900 pages designed to help individuals navigate the court system, learn about state law, work smarter with an attorney, represent themselves in some legal matters, and find low-cost legal assistance. The entire self-help Web site is available in English and Spanish, and much of the information is also available in several other languages. The self-help Web site links extensively with the new *LawHelpCalifornia.org* Web site that provides referrals to legal aid providers and information for low-income persons. These coordinated efforts have supported many recipients of the Equal Access Fund, and their availability has significantly improved fund recipients' efficiency.
- **Task Force on Self-Represented Litigants.** Established in 2002 and chaired by Justice Kathleen O'Leary, this task force is charged with helping the courts effectively respond to the needs of self-represented litigants. In February 2004, the Judicial Council approved a Statewide Action Plan for Serving Self-Represented Litigants prepared by the task force. The task force is now working to implement the recommendations in the plan which include establishing self-help centers in the courts, increasing ways for attorneys to provide legal

services, and coordinating the many efforts between the bench and the bar to provide services to low-income persons. The council also provides funding for local courts to develop and begin to implement their own action plans for serving self-represented litigants.

- **Self-Help Centers.** A system of family law facilitators has been in place since 1997 in all 58 counties. Facilitators, who are family law attorneys, guide some 30,000 litigants per month through procedures relating to child and spousal support. Most courts have now supplemented funds to allow a wider range of services. The council also funds three family law information centers and five model self-help program pilot programs designed to solve many common problems facing self-help programs. It provides technical support to courts that are creating their own self-help centers and works with the courts in developing strong partnership projects using the Equal Access partnership grant program.

Public Interest Clearinghouse (PIC)

The Public Interest Clearinghouse (PIC) acts as the hub of legal services to focus energy on statewide planning and coordination, advocacy and sharing of information and resources to expand the capacity and effectiveness of the legal aid community. In that capacity, PIC staffs both the Legal Aid Association of California and the California Legal Services coordinating Committee. Among its other roles, PIC develops technology resources for clients and providers, such as the resource and referral database at LawHelpCalifornia.org; and builds future generations of public interest oriented lawyers by fostering law student pro bono and counseling law students on the practice of public interest law.

Western Center on Law and Poverty (WCLP)

Through education, negotiation and litigation, WCLP works to ensure fairness and access to justice for low-income individuals and to effectuate broad-based change aimed at breaking the cycle of poverty. The Center's court cases, legislative work and administrative advocacy in the areas of health care, housing and public benefits help hundreds and often thousands of people at a time. As a legal aid support center, WCLP helps legal aid attorneys in their professional development and in the day-to-day representation of their clients – through expert advice, training, legal updates, legislative monitoring and the publishing of specialized poverty law manuals and other educational materials.

California Legal Services Coordinating Committee

The Legal Services Coordinating Committee, which includes representatives of all the statewide groups described above, is charged with the responsibility for institutional accountability, ensuring that access to justice planning is ongoing and that planned projects are coordinated. The coordinating committee sponsors an annual legal aid stakeholder conference, and all Equal Access Fund recipients are invited to share resources and plan together to improve the efficiency and effectiveness of the statewide delivery system.